

Message Text

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DRAFTED BY L/M:HFSHAMWELL:MRC
APPROVED BY NEA/EX:BWOERZ
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TO AMEMBASSY DACCA NIACT IMMEDIATE

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E.O. 11652: N/A

TAGS: PFOR, BG, US

SUBJECT: MFA REQUEST FOR TESTIMONY OF CONSULAR OFFICERS
IN VISA FRAUD CASE

REF: DACCA 5552

1. REFTEL REQUESTED DEPARTMENT'S ADVICE ON REQUEST BY
GOB FOR TESTIMONY OF CONSULAR OFFICERS AND CONSULAR
EMPLOYEES CONCERNING ALLEGED FRAUDULENT VISA APPLICATIONS.
MFA FURTHER REQUESTED NOTE VERBALE ACCOMPANYING EMB'S
COPIES OF DOCUMENTS IN QUESTION STATING WILLINGNESS OF
USG PERSONNEL TO TESTIFY IN CASE.

2. DEPARTMENT HAS NO OBJECTION TO EMB PROVIDING TESTIMONY
OF EMPLOYEES AS REQUIRED TO AID SUCCESSFUL PROSECUTION IN
CASE OF THIS NATURE. AS A GENERAL RULE, DEPARTMENT
PREFERS SUBMISSION OF OUT-OF-COURT STATEMENTS WHERE
SUFFICIENT; HOWEVER, IF JUDICIAL SYSTEM REQUIRES PERSONAL
TESTIMONY AND THE LATTER WILL NOT CAUSE UNNECESSARY INTER-
FERENCE WITH MISSION OPERATIONS OR JEOPARDIZE RELATIONS,
SUCH TESTIMONY CAN BE APPROVED ON AD HOC BASIS.

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3. SUGGEST THAT EMB FORWARD NOTE TO MFA INDICATING

APPROVAL OF WAIVER OF IMMUNITY FOR NAMED CONSULAR OFFICERS

AND CONSULAR EMPLOYEES. STATEMENT SHOULD MAKE IT CLEAR THAT IMMUNITY IS WAIVED FOR LIMITED PURPOSE OF TESTIMONY RELATING TO FACTS WITHIN EMPLOYEES' KNOWLEDGE RELEVANT TO SUBJECT MATTER OF PROSECUTION. IN CASE AT HAND, THIS TESTIMONY SHOULD BE RESTRICTED TO EMPLOYEES' KNOWLEDGE OF CONTENTS OF DOCUMENTS AND MANNER IN WHICH THEY WERE PRESENTED TO AND HANDLED BY EMBASSY. KISSINGER

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